

FILED

MAY 06 2016

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

REVISED DATE: 09/2001

FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:16-CT-3109
(leave this space blank)

Willie James Dean - Bey

(enter full names of each plaintiff(s))

v.
George T. Solomon, Carlton Joyner
J. Jones, C. Hobgood, S. Waddell

Inmate Number 1433812

(enter full names of each defendant(s))

- I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES () NO ☒

If your answer is YES, describe the former lawsuit in the space provided below:

N/A

- II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES ☒ NO ()

If your answer is YES:

1. What steps did you take? I appealed my grievances to the highest level (DPS, Secretary)
2. What was the result? (Attach copies of grievances or other supporting documentation.)

My grievances were denied (Final Step ~~is~~ response attached)

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

_____ There are no grievance procedures at the correctional facility at which I am being confined.
This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

☒ I have exhausted my administrative remedies relating to this complaint and have attached copies of grievances demonstrating completions.

III. PARTIES:

In Item "A" below, place your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any. NOTE: ALL PLAINTIFFS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

A. Name of Plaintiff: Willie James Dean-Bey
Name of Present Confinement Central Prison
Address of Present Confinement 4285 MSC, Raleigh, NC, 27699-4285

In Item "B" below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) through (F) for additional defendants. NOTE: ALL DEFENDANTS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

B. Defendant George T. Solomon
Position Director of Prisons
Employed at DPS (NC)
Address 831 W. Morgan STREET, Raleigh, NC, 27603-1659
Capacity in which being sued: Individual () Official () Both ☒

C. Defendant Carlton Joyner
Position Former Warden at the time of incident
Employed at DPS (NC)
Address 831 W. Morgan St., Raleigh, NC, 27603-1659
Capacity in which being sued: Individual () Official () Both ☒

- D. Defendant S. Waddell
 Position Warden
 Employed at Central Prison
 Address 4285 MSC, Raleigh, NC, 27699-4285
 Capacity in which being sued: Individual () Official () Both (X)
- E. Defendant J. Jones
 Position Sergeant (Correctional officer)
 Employed at Central Prison
 Address 4285 MSC, Raleigh, NC 27699-4285
 Capacity in which being sued: Individual () Official () Both (X)
- F. Defendant C. Hobgood
 Position Correctional officer
 Employed at Central Prison
 Address 4285 MSC, Raleigh, NC, 27699-4285
 Capacity in which being sued: Individual () Official () Both (X)

IV. STATEMENT OF CLAIM

State here as briefly as possible the **FACTS** of your case. Describe how each defendant is involved. Include also the names of the other persons involved, dates and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

ON 12/12/15, I had a physical altercation with Yo C. Hobgood. I remained in handcuffs the entire time and after a Yo Gipson jumped on me and I fell on my back, subdued me, Yo Hobgood came over and maced me. Sgt J. Jones and other officers took me out of the pod (2B Eastside). On the way to the nurse's station for my ^{physical} screening, Sgt. J. Jones and other officers, including Yo Hobgood forced me into the Decontamination room, off camera and Sgt. Jones initiated punching me in the head and face as another officer grabbed my legs so that I couldn't escape, or curl up, with my hands shackled behind my back, which, along with the punches caused me to fall. Sgt. Jones, Yo Hobgood and other officers continued

punching and kicking me in the head and face and used their baton to hit me, as well. Eventually, I blacked out and when I woke up, the officers ~~were~~ pulling me to my feet and they escorted me to the nurse's station. The nurse immediately had me sent to the Facility's E.R. Before going, the officers asked if I wanted to be decontaminated. When I got to the ER (URGENT CARE), the ^{doctor} immediately sent me to Wake Medical Center. A CT Scan showed I suffered a fractured nose, I had a busted lip, two black eyes, with busted blood vessels in both eyes and the left eye completely swollen shut, ~~and~~ ^{continued} blurred vision, migraines, multiple bruises and contusions, and a cyst has formed near my nasal fracture since this incident, which will require surgery to cut it open to drain it. Duty of Reasonable Care was breached and these ~~vi~~violated the work ethical code on use of force, while violating my 8th Amendment using excessive force~~s~~ after I was subdued, maliciously, ~~and~~ with the full intent to cause pain, damage, and suffering, neglecting Duties of Correctional Officers' Policy & Procedures. Also ~~with~~ ~~the~~ Facility Standard operating Procedures were violated when the ~~yo's~~ neglected to submit an incident report explaining truthfully how I ended up in my injured state. Correctional officers shall maintain a professional duty in their dealing with prisoners, etc. Use of Force Procedures were neglected, Procedure [1506] Reporting Procedures (A-B-C-(3)) & video recording of use of force incidents [1507]. I still suffer from breathing complications through my nose, and the surgical procedure will rearrange the membrane in both nostrils, along with cutting out the cyst.

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

\$ ~~3.25~~ 3.25 million ~~due to~~ due to physical, mental, and emotional damage; for compensatory ~~and~~ punitive damages. To also terminate Yo C. Hobgood and Sgt. J. Jones and have a camera placed in the Decontamination room on Unit 1 at Central Prison, Raleigh, NC, in order to avoid a continuance of this injustice. My vision will never be the same

In my left eye, nor will my sinuses ever be the same and I must get
surgery. Also, I have become very paranoid and suffer extreme anxiety/panic
attacks and suffer from elevated bouts of PTSD and depression since that
incident.

Signed this 2nd day of MAY, 2016.

Wiliam Den-Bey (Without Prejudice)
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

5/2/2016

Date

Wiliam Den-Bey (Without Prejudice)
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)